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09/522,319	03/09/00	BALLANTYNE	A 50-00-002

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TM02/1107

EXAMINER

KENDALL, C

ART UNIT

PAPER NUMBER

2122

DATE MAILED:

11/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/522,319

Applicant(s)

BALLANTYNE ET AL.

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 20 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**2<sup>ND</sup> NON FINAL ACTION**

**RESPONSE TO AMENDMENT**

1. This Office Action is the response to the communication received on *October, 20 2001* Amendment under 37 CFR § 1.111. Reconsideration of the instant application is requested by applicants. All such supporting documentation has been placed of record in the file.

***Response to Arguments***

Regarding rejection of the claims 1-5,8-11,13-15 under 35 U.S.C. § 102(a):

Regarding rejection of the claims 1-5,8-11,13-15 under 35 U.S.C. § 102(a): Examiner has evaluated applicant's arguments of *October, 20 2001* correspondence and withdraws the rejection under 35 U.S.C. § 102(e). Applicant's arguments with respect to claims *1-5,8-10,13-15* have been considered but are moot in view of the new ground(s) of rejection. Objections of claims 6,7 and 12 still hold as being dependent on rejected base claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2122

Claims rejected under 35 U.S.C. 102(b) as being anticipated by Kelliher et al USPN 5,857,194 hereinafter Kelliher.

*CLAIM 1*

Kelliher anticipates, a method for modeling a legacy computer system comprising:  
legacy computer system that outputs data; and [*Kelliher Abstract*].

defining a control flow graph of the output incidents.

[*Kelliher Fig 1*, see Control flow analyzer and output generator, also *see 2: 30-35*].

*CLAIM 2.*

The method of Claim 1 further comprising:

identifying the value or type of the data fields associated with each output incident; and  
attaching the value or type to the control flow graph.[*Kelliher, see 2: 27-30*].

*CLAIM 3.*

The method of Claim 2 wherein identifying the value or type further comprises:

identifying output incidents of invariant data fields; and

[*Kelliher 5:7-10*, see fixed set of fields].

attaching the value of each invariant data field to its associated control flow graph incident.

[refer back to *Kelliher, see 2: 27-30, for control flow of key fields*].

*CLAIM 4.*

The method of Claim 2 wherein identifying the value or type further comprises:

identifying output incidents of variant data fields; and [*Kelliher, see 2: 39-45*].

attaching the type of each variant data field to its associated control flow graph incident.

[refer back to *Kelliher, see 2: 27-30, for control flow of key fields*].

*CLAIM 10.*

A system for modeling an output application of a legacy computer system comprising:  
a modeling engine interfaced with the legacy computer system, the modeling engine operable to an  
application loaded on the legacy computer system to identify incidents within the application that  
output data from the legacy computer system; and  
a control flow graph of the output operations within the applications. [*Kelliher, abstract* ].

Art Unit: 2122

*CLAIM 14.*

The system of Claim 10 further comprising a graphical user interface in communication with the modeling engine, the graphical user interface operable to display the control flow graph formal incidents.

[Kelliher, 2: 1-5 for interface fields and refer back to *Kelliher*, see 2: 27-30, for control flow of key fields].

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8, 9, 11, 13 and 15 are  
Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelliher in view of Meltzer et al. USPN 6,125,391 as applied in claim 1, and 10 hereinafter Meltzer.

*CLAIM 5.*

Kelliher discloses all the claimed limitations as applied in claim 1 as cited. Kelliher doesn't explicitly disclose plural nodes having associated arcs. However Meltzer discloses plural nodes having arcs in a legacy system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher and Meltzer to achieve the cited limitation because, "nodes establish interfaces for transactions in Networks" [Meltzer 2: 55-56] also refer to Kelliher 6: 45-50, and Claim 1g which suggests the motivation to combine, "the use of a conventional communication (Network) system for data extraction."

Art Unit: 2122

*CLAIM 8.*

Kelliher discloses all the claimed limitations as applied in claim1 as cited. Kelliher doesn't explicitly disclose associating the incidents with an Extensible Markup Language schema and creating a specification to modify the legacy computer system applications to provide output in Extensible Markup Language format.

However Meltzer disclose this feature. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher and Meltzer to achieve the cited limitation because, because XML is a industry standard format, and is widely used with conventional communication systems such as the internet.

*CLAIM 9.*

Per Claim 8 further comprising:

automatically modifying the legacy computer system applications in accordance with the specification.

[Kelliher, see claim 1g, predefined format in a conventional communication system, also see Meltzer for XML et seq].

*CLAIM 11.*

Kelliher discloses all the claimed limitations as applied in claim1 as cited. Kelliher doesn't explicitly disclose plural nodes having associated arcs. However Meltzer discloses plural nodes having arcs in a legacy system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher and Meltzer to achieve the cited limitation because," nodes establish interfaces for transactions in Networks" [Meltzer 2: 55-56] also refer to Kelliher 6: 45-50, which suggests the motivation to combine, "the use of a conventional communication (Network) system for data extraction."

Art Unit: 2122

*CLAIM 13.*

The system of claim 10 wherein the control flow graph of the output operations comprises as a formal grammar that describes the flow paths from each start command to the associated stop commands. [Meltzer 31,26-35]

*CLAIM 15.*

The system of Claim 14 wherein the graphical user interface further communicates with a mapping engine and an Extensible Markup Language schema, the mapping engine operable to map the incidents of the applications with the control flow graph formal grammar and the Extensible Markup Language schema.

[Meltzer 31,26-35]

*Correspondence Information*

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska may be reached at (703) 305-9704.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*For facsimile (fax) send to 703-7467239 official and 703-7467240 draft*

*Chuck O. Kendall*

Software Engineer Patent Examiner  
United States Department of Commerce

*Kakali Chaki*

KAKALI CHAKI  
PRIMARY EXAMINER

Application/Control Number: 09/522,319

Art Unit: 2122

Page 7